

No. 9757-3Lab-68/26433.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M/s Ego Metal Works Private Ltd., Gurgaon :

BEFORE SHRI K.L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL HARYANA,
CHANDIGARH

REFERENCES NOS. 3 OF 1968 AND 19 OF 1968

between

The Workmen and the Management of M/s Ego Metal Works Private Ltd., Gurgaon

Present.—Shri S.L. Gupta for the management

Shri C.B. Kaushik for the workmen.

AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Ego Works Private Ltd., Gurgaon, over the following four items, the same was referred for adjudication to this Tribunal clause (d) of sub section (1) of Section 10 of the Industrial Disputes Act, 1947 by two separate notifications of the Haryana Government:—

- (1) Whether the workers are entitled to the payment of bonus for the year 1966 ? if so, with what details ?
- (2) Whether the grades and scales of pay of the workers should be fixed ? If so, with what details and from which date ?
- (3) Whether the workers are entitled to efficiency allowance at 15 per cent of the wages as admissible to the workers in the Grinding and polishing departments ? if so, with what details and from which date ?
- (4) Whether the gratuity scheme should be introduced in the factory ? if so, with what details and from which date ?

Item Nos. 1 and 2 were referred by means of notification No. ID/GG/22A-67/310, dated 4th January, 1968 and item Nos. 3 and 4 were referred by notification No. ID/GG/22A-67/3887, dated 14th February, 1968. This award will dispose off both the aforesaid references.

Usual notices were issued to the parties in both the aforesaid references and in response to the same the workmen filed their statements of claims and the management filed their written statements in both of them. At the stage of evidence the representatives of the parties stated that most of the evidence would be common in both the case and that the references may be consolidated in order to save time and expense. Orders were then passed for consolidation of both the references and parties were directed to lead their evidence. After some of the evidence had been recorded and before its conclusion, the parties mutually settled the dispute and reduced the said settlement to writing. Two separate settlement deeds were executed, one between the management of the concern and the workmen as represented by the Engineering Mazdoor Union and the other between the management of the concern and the workmen as represented by the other trade union namely Engineering Workers Union, Gurgaon. Each of these documents had two annexures with it. The parties produced the said documents and annexures before me and I recorded the statements of their representatives with regard to the same. The main two documents were marked as Ex-A and B by me. Annexures to Ex-A have been marked as Ex-C and Ex-D and those to Ex-B have been marked as Ex-E and Ex-F. As desired by the parties I make my award in terms of Ex-A and B read with annexures C, D, E and F. All the aforesaid six exhibits, namely Exhibits A to F shall be published along with this award and shall be deemed to be annexures to the same and shall form a part and parcel of it.

No order as to costs.

Dated : 16th October, 1968.

K.L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 1145, dated Chandigarh, the 16th of October, 1968.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by Section 15 of the Industrial Disputes Act, 1947.

K.L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 9681-3Lab-68/26441.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act, No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s Technological Institute of Textile Bhiwani :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 106 of 1967

between

SHRI GOPI RAM, WORKMAN AND THE MANAGEMENT OF M/S TECHNOLOGICAL
INSTITUTE OF TEXTILE BHIWANI

Present.—Shri Sagar Ram Gupta, for the workman.

Shri B. R. GHAI, for the management.

AWARD

Shri Gopi Ram was in the service of M/s Technological Institute of Textile Bhiwani. His service was terminated and this gave rise to an industrial dispute. The Governor of Haryana in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 read with the proviso to that sub-section of the Industrial Disputes Act, 1947, referred the following dispute to this court for adjudication, —vide Government Gazette Notification No. 563-SF-III-Lab-67, dated 6th December, 1967.

Whether the termination of services of Shri Gopi Ram was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the statement of claim was filed on behalf of the workman and the management filed their written statement. A compromise has been effected between the parties. In accordance to the terms of compromise, it is held that the workman Shri Gopi Ram, is entitled to be reinstated with continuity of service but he is not entitled to his back wages. No order as to costs.

Dated 9th October, 1968.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

No. 1776, dated 9th October, 1968.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 9th October, 1968.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9753-3Lab-68/26443.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1957), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and the management of M/s Aldecare Private Ltd., Gurgaon :—

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, CHANDIGARH

Reference No. 47 of 1968

between

THE WORKMEN AND THE MANAGEMENT OF M/S ALDECORE PRIVATE LTD.,
GURGAON

Present :—

Shri C. B. Kaushik, for the workmen.

Nemo, for the management.

AWARD

An industrial dispute having come into existence between the workmen and the management of M/S Aldecare Private Ltd., Gurgaon, the same was referred for adjudication to this Tribunal under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947. The only item of dispute which is mentioned in the said notification is as under :—

“Whether the retrenchment of the following workmen was justified and in order. If not, to what relief are they entitled?”

1. Shri Sher Singh.
2. Shri Basakh Singh.
3. Shri Subhash Chander.
4. Shri Rajinder Singh.
5. Shri Om Parkash (i).
6. Shri Jagdish Chander.
7. Shri Inderjit Singh.
8. Shri Shiv Dayal.
9. Shri Captan.
10. Shri Prahlad Rai.

Usual notices were issued to parties and in response to the same the management informed this tribunal that they had closed down their factory at Gurgaon and had retrenched all their workmen in two batches. On the date of hearing, namely, 8th October, 1968 Shri C. B. Kaushik, General Secretary of the Engineering Mazdoor Union, Gurgaon at whose instance the case had been referred made a statement before me wherein he admitted that the concern had closed down and stated that he did not wish to prosecute the case any further but that he reserved his right to raise the dispute afresh if and when the respondent restart their factory. He also stated that the demand was withdrawn by him for the present and that the same may be dismissed as having been withdrawn. The workmen have led no evidence to support the demand. The demand is in these circumstances dismissed.

No order as to costs.

Dated 16th October, 1968

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 1143, dated the 16th of October, 1968.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by Section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 9746-3Lab-68/26437.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s Mechalic Engineers and Manufactures Delhi Gurgaon Road, Gurgaon.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD
REFERENCE No. 132 OF 1967

between

Shri Ram Singh and Jag Parkash workmen and the management of M/s Mechalic Engineers and Manufacturers, Delhi-Gurgaon Road, Gurgaon.

Present.—Shri C.B. Kaushik for the workmen.

Nemo, for the management.

AWARD

Sarvshri Ram Singh and Jag Parkash were in the service of M/s Mechalic Engineers and Manufacturers Delhi-Gurgaon Road, Gurgaon. Their services were terminated and this gave rise to an industrial dispute. The President of India in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947, referred to the following dispute to this Court for adjudication,—vide Government Gazette Notification No. ID/GG/45B-67, dated, 12th December, 1967.

“Whether the termination of services of Sarvshri Ram Singh and Jag Parkash was justified and in order? If not, to what relief are they entitled?”

In the order of reference the name of the workman Shri Jag Parshad was wrongly typed as Jag Parkash. His name was duly corrected,—vide notification No. 58-3-Lab-68/SF/1559, dated 5th January, 1968.

On receipt of the reference notices were issued to the parties to appear in this Court on 21st February, 1968. On the date fixed Shri C.B. Kaushik appeared on behalf of the workmen but no body appeared on behalf of the management. The workmen were, therefore, directed to produce their evidence on 13th March, 1968. On the date fixed one Shri Narinder Kumar, purchase Assistant of the respondent concerned appeared and gave an application that Shri R.P. Kolhi proprietor of the respondent concern was confined to bed for the last two days and could not therefore attend and requested that a date be given for filing the written statement. Shri Narinder Kumar did not have any letter of authority from the management authorising him to appear on their behalf. He was informed that *ex parte* proceedings have already been taken against the management and that the workmen would produce their *ex parte* evidence on 28th March, 1968. Thereafter no body appeared on behalf of the management and no step, were taken by the management for getting the *ex parte* proceedings set aside.

The *ex parte* evidence of the workmen as recorded, won the date fixed i.e., 26th March, 1968. Both the workmen appeared in evidence in support of their case. Shri Ram Singh stated that he joined the respondent concern on 16th February, 1955 as a helper at Rs. 72 per mensem and has been working continuously since then. He stated that he fell ill on 10th April, 1967 and made an application for leave up to 16th April, 1967 and his application was supported by a medical certificate. He further stated that he applied for extension of his leave duly supported by medical certificate upto 23rd April, 1967 and when he reported for duty on 24th April, 1967 he was not given any duty. He stated that he was not given any charge sheet or even a formal order terminating his services.

Shri Jag Parshad claimed has stated that he joined the respondent concern on 20th August, 1962 as a helper on Rs. 40 per mensem and he was appointed as a Painter in 1965 at Rs. 90 per mensem. He stated that he also fell ill on 10th April, 1967 and applied for leave upto 16th April, 1967 and his application was duly supported by a medical certificate. He further stated that he applied for extension of leave supported by a medical certificate upto 23rd April, 1967 and when he reported for duty on 24th April, 1967 he was not given any work. He further stated that he was not given any charge sheet nor any enquiry was held against him.

The workmen were directed to produce the Doctor who had treated them during their illness. The workmen produced Shri Hari Parpan, Vaid who is a registered Medical Practitioner. He has corroborated the testimony of the workmen after referring to the entries in his register. Hence it is duly proved by the evidence of the Vaid that both the workmen were ill and therefore they could not do their duties from 10th April, 1967 to 23rd April, 1967. Further if the management felt that the workmen were not really ill and were malingering it was incumbent upon them to give a formal charge-sheet to the workman and terminate their services only if the workmen were not able to satisfy them that they were really ill. The services of a workman can not be terminated in the manner in which it has been done in the present case. Hence it must be held that the termination of the services of Shri Ram Singh, Jag Parshad is not justified and in order. They are both entitled to be reinstated with continuity of service and full back wages.

Dated 5th October, 1968.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

No. 1807, dated 11th October, 1968

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 5th October, 1968.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9690-3Lab-68/26439.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s Chander Bhan Mata Din, Jahjjar Road, Kath Mandi, Rewari :—

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD
REFERENCE No. 21 OF 1968.

Between

Shri Fauja Singh, workman and the management of M/s Chander Bhan Mata Din, Jhajjar Road,
Kath Mandi, Rewari

Present.—Shri R.L. Sharma, for the workman.

Shri H.R. Dua, for the management.

AWARD

Sri Fauja Singh claims that he was employed as a Mistry by M/s Chander Bhan Mata Din, Jhajjar Road, Kath Mandi, Rewari, on Rs 150 per mensem. He says that in the course of his duty he met with an accident as a result of which he had to remain under treatment in the Civil Hospital, Rewari, and after his recovery he reported for duty but the management on account of his trade union activities refused to give him duty and wrongfully terminated his services. This gave rise to an industrial dispute and the President of India in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—vide Government Gazette Notification No. ID/FD/326A, dated 15th February, 1968:—

“Whether the termination of services of Shri Fauja Singh was justified and in order. If not to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties in response to which the workman filed his statement of claim and the management filed their written statement. It is pleaded on behalf of the management that the claimant Shri Fauja Singh was never employed by them and, therefore, the question of any wrongful termination of his services did not arise. The pleading of the parties gave rise to the following issues :—

(1) Whether the claimant Shri Fauja Singh was employed as a Mistry at Rs 100 per month ?

(2) If so whether the termination of the services of Shri Fauja Singh was justified and in order ? If not, to what relief is he entitled ?”

Issue No. 1.—The workman has produced two witnesses, namely, Sarvshri Girdhari Lal W.W. 2 and Shri Gian Singh W.W. 3 in support of his case and he has himself appeared as his own witness. Shri Girdhari Lal is a Vegetable Seller while Sri Gian Singh is a Richshaw Puller. Shri Girdhari Lal says that he used to go to the respondent to get saw dust and he saw the claimant Sri Fauja Singh working there for two or three months. He says that the applicant met with an accident as a result of which he became unconscious. Shri Gian Singh says that he also went to the respondent two or four times for the purpose of bringing the saw dust and saw the claimant working there. It is not possible to rely upon the evidence of such type of witnesses. None of the workmen of the claimant have come forward to support his case although the claimant alleges that the management have terminated his services on account of his trade union activities. The workman has not been able to establish his case by summoning the account books and other records of the respondent for the purpose of proving that his name was actually entered as a workman in the relevant register and he used to draw his salary. Further the claimant wants the Court to believe that he met with an accident while he was working with the respondent and he was admitted in the hospital. If that were so, it should not have been difficult for the claimant to have got summoned the record of the hospital to show that he suffered an injury while he was working with the respondent and he was treated in the hospital on this account. As it is the claimant want the Court to believe his oral testimony and that of his two witnesses. Under the circumstances of the case it is not possible to believe the oral testimony of the claimant and his witness and in my opinion it is not satisfactorily established that he was in the service of the respondent. I find this issue in favour of the management.

Issue No. 2.—This issue does not arise in view of my findings on issue No. 1 and the claimant is not entitled to any relief. I give my award accordingly. No order as to cost.

Dated the 4th October, 1968.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad,

No. 1799, dated 10th October, 1968

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 4th October, 1968.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Faridabad.
R.I.N. AHOOJA, Secy.